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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,649	04/27/2001	Makoto Kurokawa	Q64317	7676

7590 07/29/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,649

Applicant(s)

KUROKAWA, MAKOTO

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on May 31, 2005, wherein:

Claims 1-11 are pending;

Claims 1-11 have been amended.

Response to Amendment

Claim Rejections - 35 USC § 112

2. The rejections under 35 USC Section 112, second paragraph, are hereby *withdrawn*.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Gramann et al (US 2001/0049613) (hereinafter referred to as Gramann).

Referring to Claim 1:

Gramann discloses a method of making a reservation for service provided by a facility, the method comprising the steps of:

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transmitting from a user terminal a reservation request of a first user to a server via a network connection (Figure 6 (180, 184));

registering at the server, the reservation request of the first user as reservation data based upon an order in which the reservation request of the first user and a reservation request of at least one other user are received by the server (Figure 6 (182-183, 185) ;

transmitting from a facility terminal an instruction for updating the reservation data to said server via the network connection, said facility terminal located at the facility and remotely from said server (Figure 7 (190, 192, 193, 194, 195); and

updating, at the server, said reservation data in response to said instruction (Figures 6 and 7 (183) and (193)).

Referring to Claim 2:

Gramann discloses the step of canceling the reservation request to the first user by transmitting a cancellation request from said user terminal to the server (Figure 8; [0034] and [0040]).

Referring to Claims 3-4:

Gramann discloses the reservation request from the user terminal and the instruction for updating the reservation data from said facility terminal are performed by accessing a website at the server, wherein the network connection is an Internet connection (Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramann in view of Dowling (US 6,845,361) (hereinafter referred to as Dowling).

Referring to Claim 8:

Gramann discloses method of making a reservation for a service provided by a facility comprising the steps of:

transmitting from a user terminal a reservation request of a first user to a server via a network connection (Figures 6 and 7 (180) and (190);

registering at the server the reservation request of the first user as reservation data based upon an order in which the reservation request of the first user and reservation request of at least one other user are received by the server (Figures 6 and 7 (182) and (192);

transmitting from a facility terminal an instruction for updating the reservation data to said server via the network connection, said facility terminal located at the facility and remotely from said server (Figure 6 and 7 (183) and (193);

Updating at the server the reservation data in response to the instruction (Figures 6 and 7 (183) and (193) done).

Gramann does not disclose transmitting wait time data of the first user from said server to the user terminal in response to a request by the user terminal.

However, Dowling discloses transmitting wait time data of the first user from said server to the user terminal in response to a request by the user terminal (col. 3, lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the reservation system of Gramann the wait queue system of Dowling so a customer can join a wait-queue for a physical resource and then roam freely until their time left in the queue is diminished.

Referring to Claim 9:

Gramann discloses the reservation request from the user terminal and the instruction for updating the reservation data from said facility terminal are performed by accessing a website at the server, wherein the network connection is an Internet connection (Figure 1).

Referring to Claims 10-11:

Dowling discloses transmitting and registering the waiting time data of the first user from said facility terminal to said server via the network connection (Figure 1a; col. 15, line 33 thru col. 16, line 34)

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5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gramann as applied to claims 1-3 above, and further in view of Dowling.

Referring to Claims 5-7:

Gramann does not disclose transmitting and registering the waiting time data of the first user from said facility terminal to said server via the network connection.

However, Dowling discloses transmitting and registering the waiting time data of the first user from said facility terminal to said server via the network connection (Figure 1a; col. 15, line 33 thru col. 16, line 34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the reservation system of Gramann the wait queue system of Dowling so a customer can join a wait-queue for a physical resource and then roam freely until their time left in the queue is diminished.

Response to Arguments

Applicant's arguments with respect to claim 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

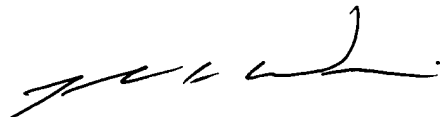
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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